



2005 SEP
Room 307
~~Patent~~

In the United States Patent and Trademark Office

Applicant: Scott L. Barham

Serial No: 09/484,071

Date Filed: January 18, 2000

Invention: FILTRATION AID FOR THE
BAYER PROCESS

) **Petition for Refund of**
) **Extension of Time Fee**

)
) Group Art Unit: 1754

) Examiner: S. Bos

)
) Attorney Docket No: 5594
(formerly CU-2110-TJK)

RECEIVED

JUN 01 2004

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

[X] **AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES:** If any charges or fees must be paid in connection with the following Petition (including but not limited to the payment of issue fees), they may be paid out of our deposit account No. 14-0105.

[X] **APPLICANTS herewith Petition the Commissioner for Patents to refund the \$530.00 extension of time fee, which was required by the Examiner to enter an Examiner's amendment.** Please charge our deposit account No. 14-0105 in the amount of \$130.00 to cover the cost of this petition. Any deficiency or overpayment should be charged or credited to the above numbered deposit account. **A duplicate copy of this sheet is enclosed.**

CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents,
P.O. Box 1450, Alexandria VA 22313-1450, on the date below:

5/19/04
Date

Robert T. Faedtko
Robert T. Faedtko

PETITION FOR REFUND OF EXTENSION OF TIME FEES

Dear Sir:

APPLICANTS herewith respectfully petition the Commissioner for Patents to refund the extension of time fee, required by the Examiner in the instant claimed patent application, to enter an Examiner's amendment. In this same petition, Applicants also courteously request a refund of the petition fee required in order to make this request for refund of extension of time fee, because this petition would not have been required absent the Examiner's erroneous action in demanding an extension of time fee so that an Examiner's amendment could be entered.

Applicants' attorney filed the instant patent application on January 18, 2000. An Office Action was mailed on August 1, 2003. The due date, without an extension of time being required, for Response was thus November 1, 2003. Applicants' attorney filed the Response on January 2, 2004 (because January 1, 2004 was a legal holiday in the District of Colombia). Along with this response, a fee for a two-month extension of time, \$420.00, was authorized to be deducted from Applicants' Attorney's Deposit Account, Number 14-0105.

On January 21, 2004 Examiner Steven Bos telephoned Applicants' attorney to request that she agree to an Examiner's amendment being entered to make the claims in condition for allowance. Applicants' attorney agreed to the amendment. Then Examiner Bos told Applicants' attorney that she also must agree to pay the extension of time fee for a three-month extension of time, in order to have the Examiner's amendment entered. This further extension of time fee, requested by the Examiner, was \$530.00, making the total amount of money required for this Response to be \$950.00, which is the cost to request a three-month extension of time. Applicants' attorney felt she had no choice at the time but to agree to pay the fee in order to proceed with prosecution of this patent application to allowance.

Upon reflection, Applicants' attorney does not believe the imposition of the extra \$530.00 extension of time fee was correct, based on established Patent Office rules and procedures for the imposition of the extension of time fee. Applicants' attorney had fully responded to each and every objection raised in the Office Action of August 1, 2003, in the Response filed January 2, 2004, with the extension of time fee for a two month extension of time being properly imposed and properly paid; therefore, that particular Office Action-Response dynamic *was completed upon filing the Response on January 2, 2004 and paying the fee for a two month extension of time, at that time.* Applicants' attorney courteously states her position that for the Examiner to impose the full three

month extension of time fee in order for him to enter an EXAMINER's Amendment during the third month, appears to be an erroneous interpretation of procedure on the part of the Examiner.

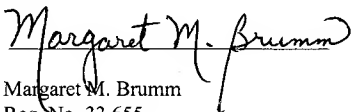
Accordingly, Applicants respectfully request a refund of the \$530.00 required by Examiner in order to enter an Examiner's amendment. Applicants request that this refund be credited to Applicants' attorneys' deposit account, No. 14-0105.

In addition, Applicants respectfully request a full refund of the \$130.00 Petition Fee as this fee was required in order to submit this petition requesting for refund of the extra \$530.00 fee, and in the absence of the imposition of the "extra" \$530.00 extension of time fee, this petition would have not have been submitted.

CONCLUSION

Applicant submits that based upon the above Remarks that the refunds, as requested herein, should be credited to Deposit Account No. 14-0105.

Respectfully submitted



Margaret M. Brumm

Reg. No. 33,655

Patent & Licensing Department

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Date:

